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**TERMINAL DISCLAIMER TO OBIVATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
2500-2287.05

In re Application of: Woonza M. RHEE et al.

Application No.: 10/766,104

Filed: January 27, 2004

For: METHOD FOR PREVENTING THE FORMATION OF ADHESION FOLLOWING SURGERY OR INJURY

The owner, Angiotech Biomaterials Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of **prior Patent Nos.** 5,752,974; 6,166,130; 6,312,725; 6,495,127; and 6,833,408, as the term is defined in 35 U.S.C. §§ 154 and 173, and as the term of the **prior patents** are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the **prior patents**, as the term of the patents are presently shortened by any terminal disclaimer, in the event that the **prior patents**:

expire for failure to pay a maintenance fee;

are held unenforceable;

are found invalid by a court of competent jurisdiction;

are statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321;

have all claims canceled by a reexamination certificate;

are reissued;

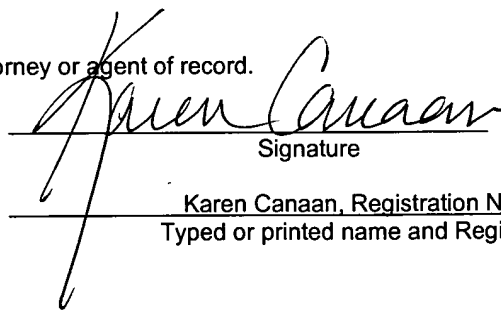
or are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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2. ☒ The undersigned is an attorney or agent of record.


Signature
August 15, 2005
Date
Karen Canaan, Registration No. 42,382
Typed or printed name and Registration No.
650-251-7700
Telephone Number

- ☐ Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 18-0580.

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